

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Fuselage Avenue, 289 ft. E of 6/1 Dihedral Drive
1211 Fuselage Avenue
15th Election District
6th Councilmanic District
Robert L. Shifflett, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-89-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Robert L. Shifflett and Ruth A. Shifflett, his wife, for that property known as 1211 Fuselage Avenue in the Aero Acres subdivision of Baltimore County. The Petitioners herein seek a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 18 ft., for an open projection (porch), in lieu of the required 18.75 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of September, 1993 that the Petition for a Zoning Variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 18 ft. for an open projection (porch) in lieu of the required 18.75 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4346

October 1, 1993

Mr. and Mrs. Robert L. Shifflett
1211 Fuselage Avenue
Baltimore, Maryland 21220

RE: Petition for Administrative Variance
Case No. 94-89-A
Property: 1211 Fuselage Avenue

Dear Mr. and Mrs. Shifflett:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3191.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1211 Fuselage Ave
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

Section 301.1A (B.C.Z.R.) To permit a front setback of 18 feet for an open projection (porch) in lieu of the required 18.75 feet.

of the Zoning Regulations of Baltimore County to the Existing Use of Baltimore County for the following reasons: (check one or more)

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above variance advertising, posting, etc. (check one or more) and further agree to and be bound by the zoning regulations and restrictions of Baltimore County as they relate to the Zoning Use for Baltimore County.

Robert L. Shifflett
Ruth A. Shifflett
1211 Fuselage Ave
Baltimore MD 21220
Norvel Maje
15 Chandelle Rd
Baltimore MD 21220

A Public Hearing has been requested and is to be held on the 1st day of October, 1993 at 7:00 PM at the Baltimore County Board of Appeals, 400 Washington Avenue, 11th Floor, Baltimore, MD 21204. The hearing will be held at the Baltimore County Board of Appeals, 400 Washington Avenue, 11th Floor, Baltimore, MD 21204.

REVIEWED BY 9/21 DATE 9/21/93
ESTIMATED POSTING DATE 9/21/93

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1211 Fuselage Ave.
Baltimore, MD 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include variance in practice affidavit)

Due to growing health concerns for Robert and his recent heart operation we find it necessary to build a more sheltered entrance from rain and especially snow.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

A. L. Shifflett
ROBERT L. SHIFFLETT
Ruth A. Shifflett
RUTH A. SHIFFLETT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of September, 1993, before me, a Notary Public of the State of Maryland, is and for the County aforesaid, personally appeared

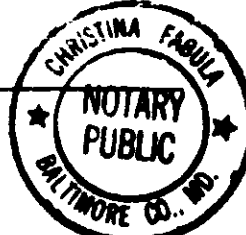
Robert L. & Ruth A. Shifflett

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

9/21/93

My Commission Expires: 9/1/96



EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1211 FUSELAGE AVE
(address) 5th
Election District 15th Councilmanic District 5th
Beginning at a point on the NORTH side of FUSELAGE AVE (north, south, east or west) which is 60 FEET (number of feet of right-of-way width) (street on which property fronts) wide at a distance of 28.9 FEET EAST of the (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street: DIPEDRAL DRIVE (name of street) which is 50 FEET wide. *Being Lot # 74, (number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of AERO ACRES (name of subdivision) as recorded in Baltimore County Plat Book # 13, Folio # 139, containing 5000 SQ FT & 0.11 ACRES (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

#92

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 9/21/93
Posted for: Robert L. & Ruth A. Shifflett
Petitioner: Robert L. & Ruth A. Shifflett
Location of property: 1211 Fuselage Ave., Baltimore, MD 21220
Location of Sign: Posting on 4 way, on property to be posted
Remarks: _____
Posted by: M. J. Schmitt Date of return: 9/21/93
Number of Signs: 1



Baltimore County
Zoning Administration & Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

Date 9/20/93

SHIFFLETT - 1211 FUSELAGE AVE.

Taken: JRF

#101- Variance - \$150.00

#080- Sign - - - \$135.00

\$85.00

receipt
94-89-A

Account: R0016190

Number: #92

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES (410) 887-3353

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Johnson
APPROVED: CARL J. JOHNSON

For newspaper advertising:

Item No: #92
Petitioner: Robert L. & Ruth A. Shifflett
Location: 1211 Fuselage Ave, Baltimore, MD 21220
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Norvel Maje
ADDRESS: 15 Chandelle Rd
Baltimore, MD 21220
PHONE NUMBER: 391-6153

AJ:ggg

(Revised 04/09/91)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 7, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

Re: Robert and Ruth Shifflett
1211 Fuselage Avenue
Baltimore, Maryland 21220

CASE NUMBER: 94-89-A (Item 92)
1211 Fuselage Avenue
9/8 Fuselage Avenue, 289° E of c/l Piberal Drive
15th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

The property will be posted on or before September 12, 1993. The closing date (September 27, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Zoning Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Call John

Shimo

Level Moore



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 1, 1993

Mr. and Mrs. Robert L. Shifflett
1211 Fuselage Avenue
Baltimore, Maryland 21220

RE: Case No. 94-89-A, Item No. 92
Petitioner: Robert L. Shifflett, et ux
Petition for Administrative Variance

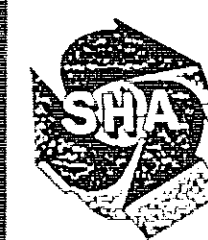
Dear Mr. and Mrs. Shifflett:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 26, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Re: Baltimore County
Item No. 92 (JFF)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-1062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Johnson, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 8, 1993

SUBJECT: 1211 Fuselage Avenue

INFORMATION:

Item Number: 92

Petitioner: Robert L. Shifflett

Property Size: _____

Zoning: R-2, R-3

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff believes the proposed location for the carport is inappropriate. Therefore, we recommend denial of the subject request unless the applicant or other interested parties can offer sufficient evidence why this variance should be granted.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol K. Lewis*
PK/GJL

ZAC to Zoning Dept

1211 Fuselage Avenue
Baltimore, Maryland 21220

September 20, 1993

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

TO WHOM IT MAY CONCERN:

Reference is made to File #94-89A. Application for Administrative Zoning Variance was made for construction of an open porch. The posted sign reads "carport."

I am requesting that a review of the file be made to ensure that all information is corrected before a decision is reached. Thank you for your assistance.

Sincerely,

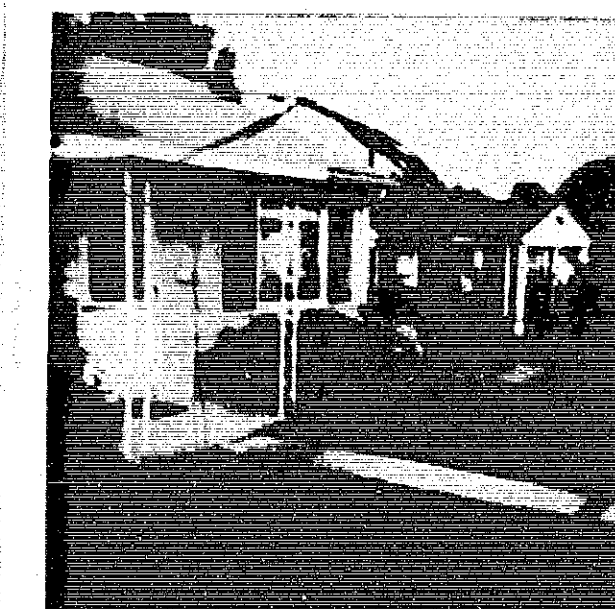
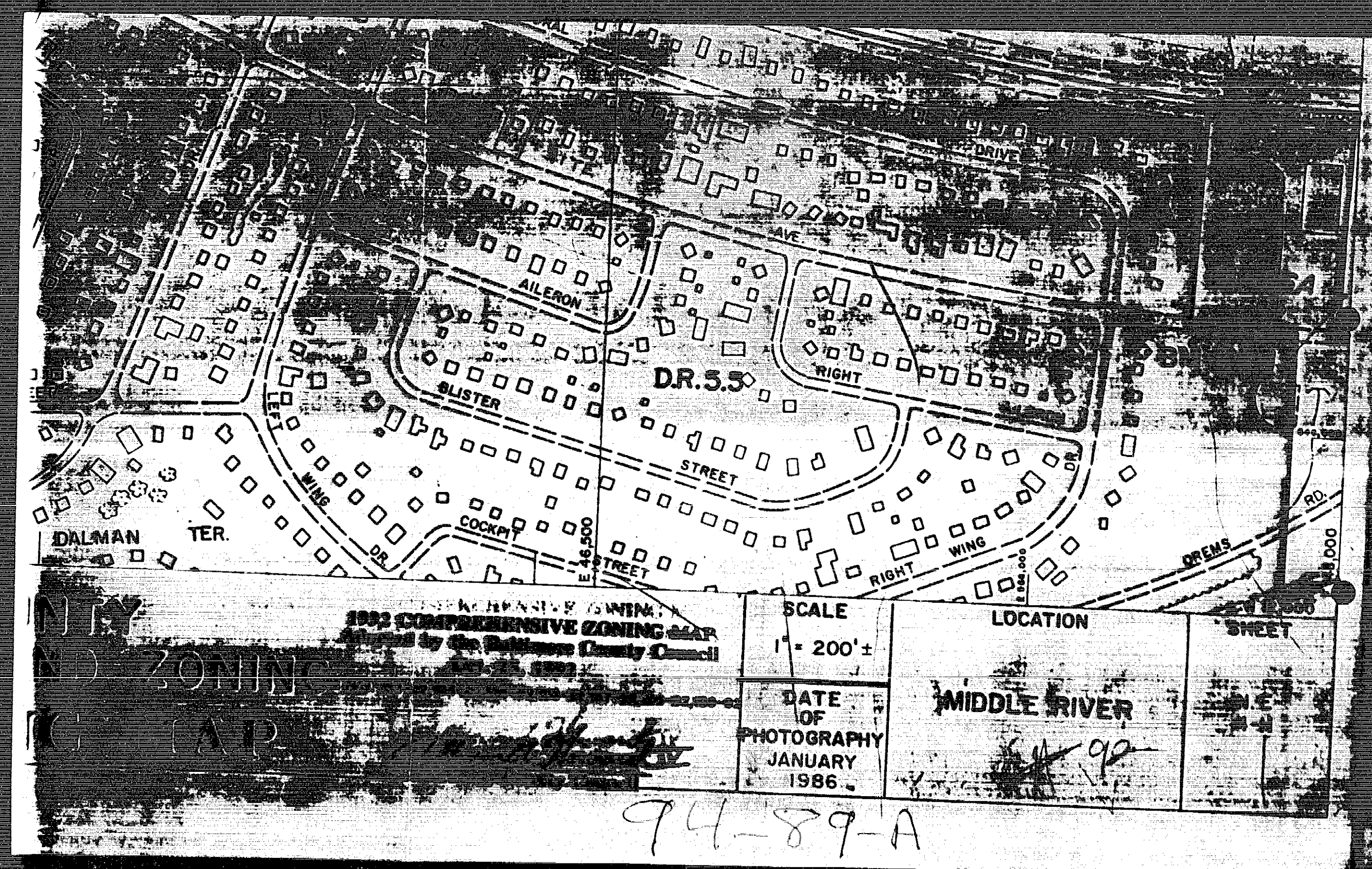
Ruth A. Shifflett
RUTH A. SHIFFLETT

9/23/93 - Checked with Jim - ZADM office - mistake - no revision fee. Spoke with Mrs. Shifflett. She will black out the word "carport" on the sign.

RECEIVED

SEP 22 1993

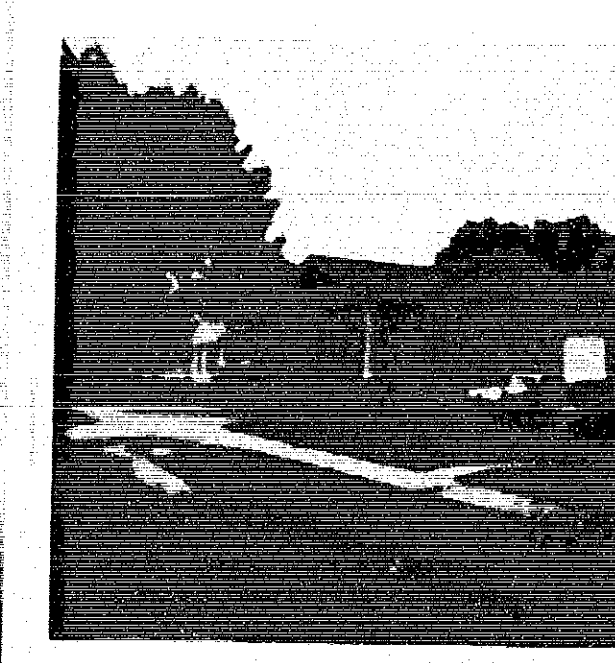
ZADM



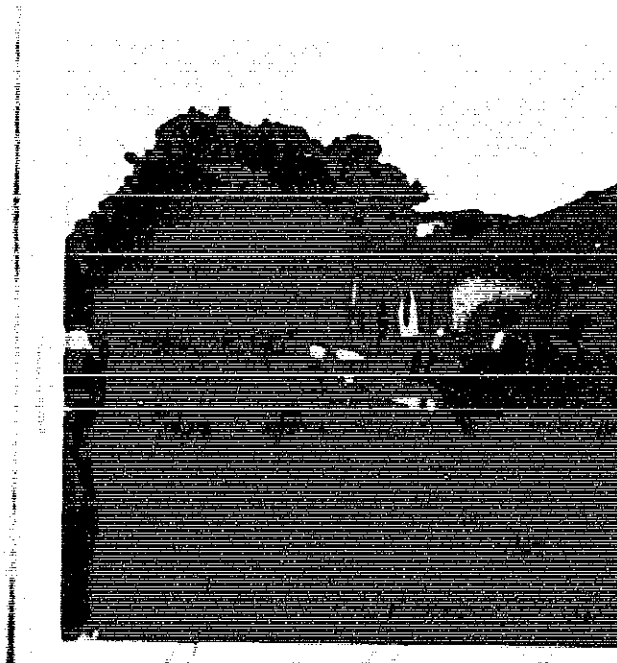
Proposed open 1492 porch



Proposed open 1492 porch



992



Proposed open 1492 porch

992

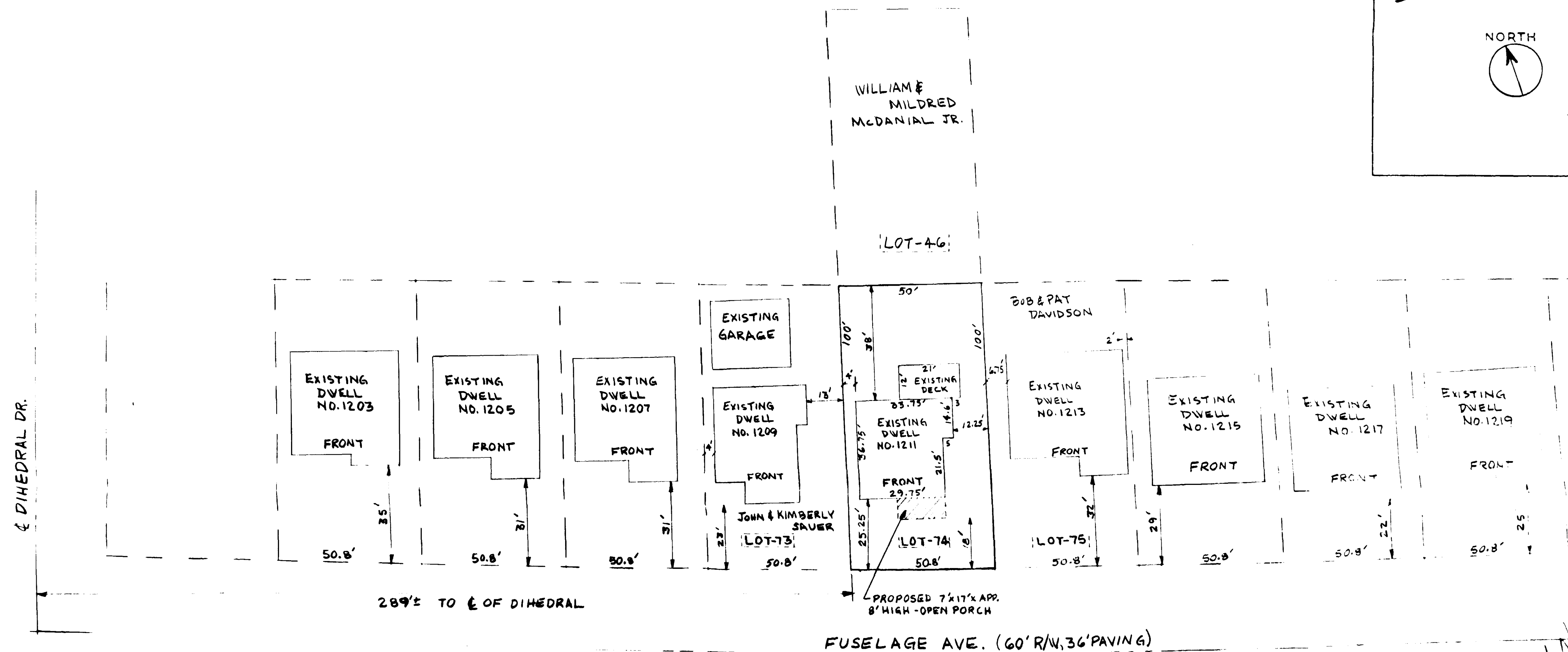
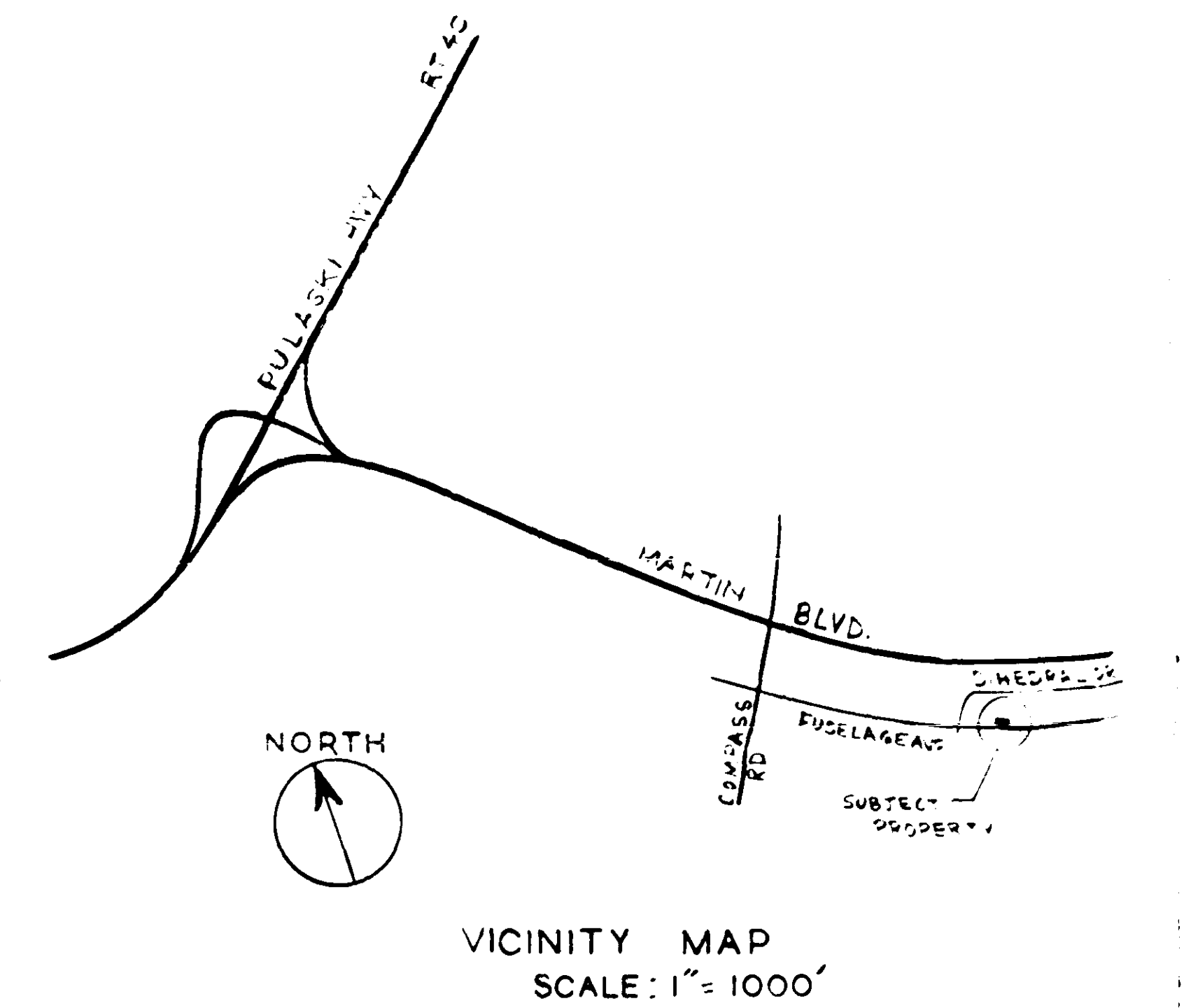
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 1211 FUSELAGE

SUBDIVISION NAME: AERO ACRES

PLAT BOOK # _____, FOLIO # _____, LOT # _____, SECTION # _____

OWNER: ROBERT & RUTH SHIFFLETT



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 5

ELECTION DISTRICT: 15

1"=200' SCALE MAP "NE-4H

ZONING: D.R.-5.5

LOT SIZE: 0.12 acreage 5040.00 square feet

SEWER: ☐ public ☐ private

WATER: ☐ public ☐ private

CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☐ NO

PRIOR ZONING HEARINGS:

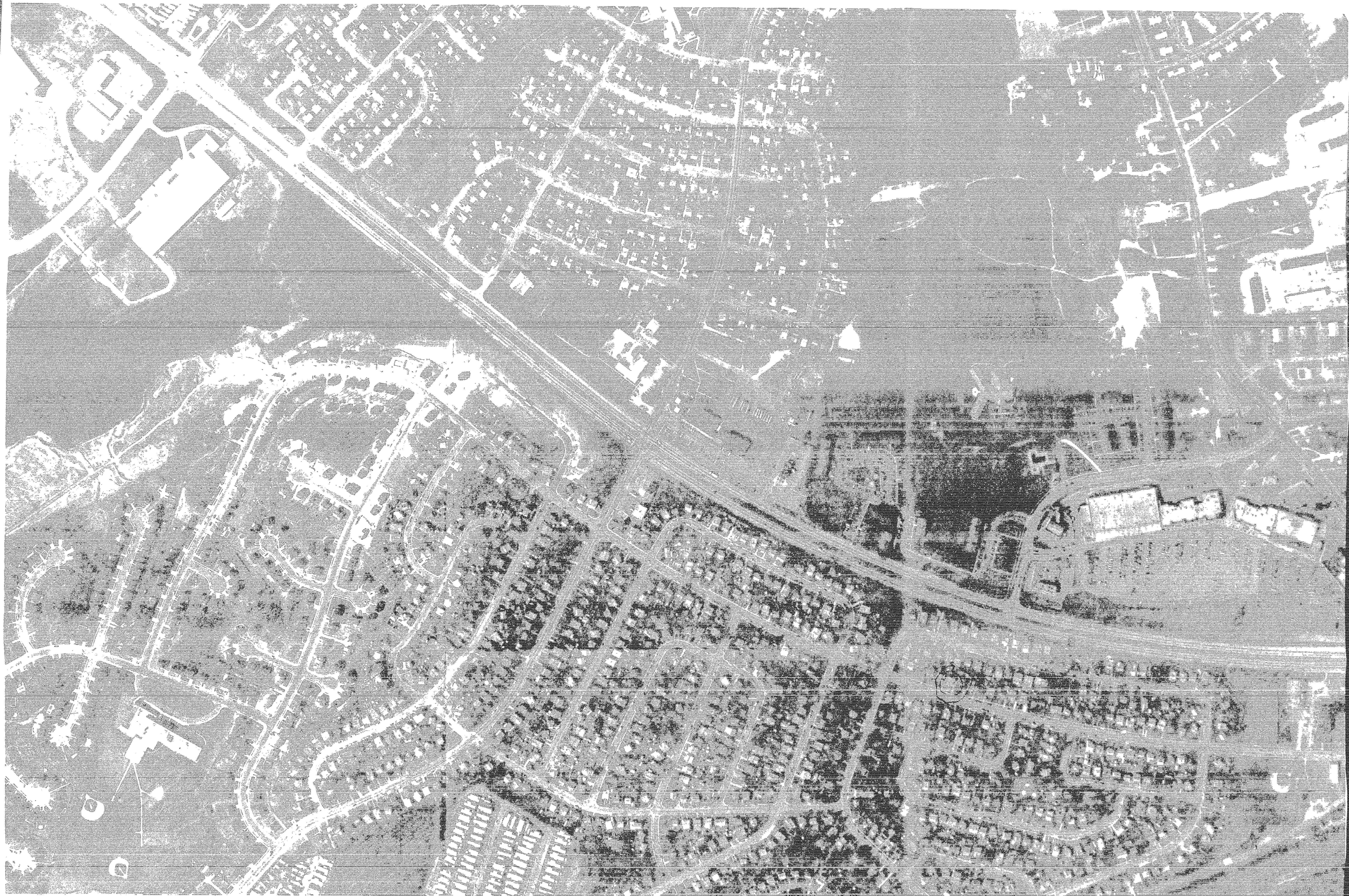
ZONING OFFICE USE ONLY!

reviewed by: ITEM #: CASE #:

94

92

94-89-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

92

SCALE
1" = 200'

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

MIDDLE RIVER

41
42

1/1 8/1